



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303

Alabama Department of Environmental Management
Phillip Davis, Chief, Land Division
P.O. Box 301463
Montgomery, AL 36130-1463

Subject: Request for Identification of State ARARs
35th Avenue Site
Birmingham, Jefferson County, Alabama
EPA Site ID: B4M3

Dear Mr. Davis,

The Superfund removal program of the Environmental Protection Agency (EPA) is scoping a potential removal action at the 35th Avenue Site (Site) in Birmingham, Jefferson County, Alabama. To perform this action, EPA will attempt to comply to the extent practicable with all Applicable or Relevant and Appropriate Requirements (ARARs) of State environmental and facility siting laws. This letter is a request to the State of Alabama for notification to the EPA On-Scene Coordinator (OSC) of any State statutes or regulations that the State believes are potential ARARs for the removal site. This letter contains information on site conditions and proposed actions to assist you in identifying ARARs. I have been selected as the OSC for this Site.

EPA requests that a State official notify EPA of any potential State ARARs. The types of ARARs which will be considered fall into the following three categories: chemical-, location-, and action- specific requirements. Chemical-specific requirements are health-, technology-, or risk- based numeric values that establish the acceptable amount or concentration of a chemical that may be found in, or discharged to, the ambient environment. Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations. For example, the requirement that hazardous waste storage facilities located within the 100-year flood plain must be designed, constructed, operated, and maintained to avoid washout is considered a location-specific requirement. Action-specific requirements are technology- or activity- based requirements or limitations on actions taken with respect to hazardous waste.

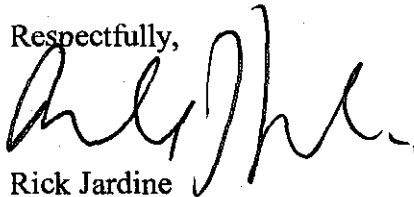
The 35th Avenue Site is largely a triad of the residential communities Harriman Park, Collegeville, and Fairmont in northern Birmingham. These communities have been established amidst the historic heavy industrial activity of Birmingham over the past century. As such, the properties have been subject to industrial contamination to varying degrees over time. Presently, EPA has not determined a sole source of the contamination, however EPA has identified the contaminants of concern to be arsenic, lead, and polycyclic aromatic hydrocarbons - chiefly benzo(a)pyrene. EPA is concerned for the health and well being of the affected community and seeks to minimize or eliminate the exposures to the community, to the greatest extent practicable, from the highest levels of contamination discovered in the neighborhoods. Pursuant to these concerns, EPA is considering an action to physically remove, via soil excavation and off-site disposal, the surficial soil (approximately 4 to 12 inches deep) at many of the highest contaminated parcels.

In order to adequately consider and comply with any ARARs specified by the State of Alabama, EPA would appreciate a timely response (within 7 days if possible) to this request so that the requirements may be considered while scoping the removal action. Exact references or citations to the statutes or regulations, or copies of pertinent provisions of State requirements, will greatly facilitate our ability to evaluate these requirements as ARARs for the Site.

EPA will examine these requirements and determine whether they are applicable or relevant and appropriate to the Site. Pursuant to 40 CFR 300.415(j), fund-financed removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental or facility siting laws. It is important to clarify, however, that some requirements identified by the State may be determined not to be ARARs, may be determined to be impracticable to meet, or may qualify for a waiver. Please call me at (404) 562-8764, if additional information on the Site is needed for the purpose of completing the ARARs review.

Thank you for your assistance on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rick Jardine', is written over the typed name.

Rick Jardine
On-Scene Coordinator
EPA Region 4
Emergency Response and Removal Branch